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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,343

07/03/2003

Elena Lialiamou

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32294

7590

09/28/2006

SQUIRE, SANDERS & DEMPSEY L.L.P.

14TH FLOOR

8000 TOWERS CRESCENT

TYSONS CORNER, VA 22182

EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,343

Applicant(s)

LIALIAMOU ET AL.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed 07/18/2006, with respect to claims 1-46 have been fully considered but are not persuasive. Claims 1-46 are currently pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Masuda (Pub. No: 2003/0078031).

Regarding claim 1, Masuda communications system (fig. 1, [0093]) comprising:

at least one user device 10, said at least one user device configured to access a plurality of services in a session (fig. 1, [0059]. Specifically, Masuda discloses the service request transmitting means 11 transmits connection requests for the voice and packet services);

a first entity 20 and/or 23 including an information store for storing information defining an amount of money for said at least one user device (fig. 1, [0041] and [0095]. Masuda discloses the prepayment control device 20 includes the prepaid service providing means 23

transmits to the gateway 32 information about the balance of the user who has requested the packet service to be charged); and

a controller 10 and/or 13, separate to said the first entity 20 and/or 23, configured to request that in the first entity, at least a portion of said amount of money be reserved at the first entity, as a reserved portion (fig. 1, [0059] to [0062]. Masuda discloses the registration information transmitting means 13 transmits allotments of the balance as the registration information. For example, if the amount usable for prepaid services is .Yen.1000, the user transmits in advance registration information that .Yen.400 and .Yen.600 should be allotted to the voice and packet services, respectively) and for controlling an allocation of said reserved portion between said plurality of services, wherein the allocation is controlled after the request is made ([0059] to [0062]).

Regarding claim 2, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is divided into a plurality of parts between said plurality of services ([0046] to [0052]).

Regarding claim 3, Masuda discloses all the limitation in claim 2. Further, Masuda discloses a system wherein said reserved portion is divided equally ([0046] to [0052]).

Regarding claim 4, Masuda discloses all the limitation in claim 2. Further, Masuda discloses a system wherein said reserved portion is reallocated between said plurality of services when at least one of said plurality of services uses up its part of said reserved portion ([0040] to [0052]).

Regarding claim 5, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated based on which of said plurality of services requires said reserved portion ([0049]).

Regarding claim 6, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated dynamically ([0052]).

Regarding claim 7, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said reserved portion is allocated based on at least one of: service activity; **number of services**; and a unit cost of said plurality of services ([0040] to [0052]).

Regarding claim 8, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said controller is configured to monitor how much of said reserved portion has been used ([0040] to [0052]).

Regarding claim 9, Masuda discloses all the limitation in claim 8. Further, Masuda discloses a system wherein said reserved amount is monitored by periodically determining how much of said reserved portion each of said plurality of services have used to provide a plurality of values and summing the plurality of values ([0040] to [0052]).

Regarding claim 10, Masuda discloses all the limitation in claim 8. Further, Masuda discloses a system wherein said controller is configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services ([0040] to [0052] and [0088] to [0114]).

Regarding claim 11, Masuda discloses all the limitation in claim 10. Further, Masuda discloses a system wherein said information comprises a cost for one of a data or time unit ([0088] to [0114]).

Regarding claim 12, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein when said reserved portion is used up or has been at least partially used up a further portion of said amount of money is reservable ([0040] to [0052] and [0065]).

Regarding claim 13, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein a plurality of said plurality of services is accessed simultaneously ([0040] to [0052]).

Regarding claim 14, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said information store comprises one of: **a monetary value**; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter ([0040] to [0052] and [0088] to [0114]).

Regarding claim 15, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein at least one of said plurality of services comprises an Internet service ([0088] to [0114] and [0116] and [0121]).

Regarding claim 16, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said controller comprises a plurality of entities (fig. 1 and fig. 14, [0036] to [0048] and [0093]).

Regarding claim 17, Masuda discloses all the limitation in claim 16. Further, Masuda discloses a system wherein said plurality of entities comprises at least one of a traffic analyzer (fig. 1 and fig. 14, [0036] to [0048] and [0102] to [0103]) and a credit controller (fig. 1 and fig. 14, [0036] to [0048] and [0095] and [0114]).

Regarding claim 18, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said controller comprises a credit controller (fig. 1 and fig. 14, [0036] to [0048] and [0095]).

Regarding claim 19, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said at least one user device is arranged to access a plurality of different service classed in a session ([0126]). .

Regarding claim 20, Masuda discloses all the limitation in claim 1. Further, Masuda discloses a system wherein said controller is configured to store information relating to a cost of said plurality of services ([0088] to [0114] and [0123]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-29 and 31-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (Pub. No: 2003/0078031) in view of Ephraim et al. (Pub. No: 20040077332).

Regarding claim 21, Masuda discloses a communications system (fig. 1 and fig. 14, [0093]) comprising: at least one user device 10, said at least one user device being configured to access a plurality of services simultaneously (fig. 1, [0037] to [0039] and [0094]); a first entity 23 for storing information defining an amount of money for said at least one user device (fig. 1, [0041], [0048] and [0095]); and a controller 22 for requesting reservation of at least a portion of said amount of money as a reserved portion (fig. 1, [0055] to [0056], [0060] to [0062]), and controlling an allocation of said reserved portion between said plurality of services ([0046] to [0048] and [0060] to [0062]). However, Masuda does not disclose wherein said first entity 23 is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount.

In the same field of endeavor, Ephraim et al. disclose wherein said first entity is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount ([0040] to [0041] and [0054] to [0055]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of by specifically including wherein said first entity 23 is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount, as taught by Masuda, the motivation being in order to determine whether a

particular requested data transfer should be authorized or continue. On the other hand, it also provides a method and a system for management of prepaid billing for communication systems, and in particular, of such a system and method for real time pre-paid billing for data transfer in the wireless and wireline communication environment.

Regarding claim 22, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Masuda discloses a system wherein said first entity is configured to store data defining an amount of said reserved portion ([0090] and [0095]).

Regarding claim 23, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. Further, Masuda discloses a system wherein said first entity is configured to store a reference name in association with data defining the amount of said reserved portion ([0084] to [0086]).

Regarding claim 24, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein said data is one of a cost for a unit amount of a payment parameter of at least one service of said plurality of services ([0102] to [0102]).

Regarding claim 25, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 24. Further, Masuda discloses a system wherein said payment parameter is data volume, time, or service parameter of at least one service of said plurality of services ([0101] and [0102]).

Regarding claim 26, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein said reference name is a dummy APN ([0084] to [0086]).

Regarding claim 27, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 23. Further, Masuda discloses a system wherein the reservation requested by said controller to said first entity comprises said reference name ([0084] to [0086]).

Regarding claim 28, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 24. Further, Ephraim et al. disclose a system wherein said information in said first form comprises said unit amount ([0041]).

Regarding claim 29, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 28. Further, Ephraim et al. disclose a system wherein said controller is arranged to convert said unit amount to a corresponding monetary amount to provide said second form ([0040] to [0041]).

Regarding claim 31, Ephraim et al. all the limitation in claim 21. Further, Masuda discloses a system wherein said controller operates in accordance with a RADIUS protocol ([0007]).

Regarding claim 32, Ephraim et al. all the limitation in claim 21. Further, Masuda discloses a system wherein said first form comprises at least one of time, data volume, or service access parameter ([0101]).

Regarding claim 33, Ephraim et al. all the limitation in claim 21. Further, Ephraim et al. disclose a system wherein said service access parameter comprises at least one of number of clicks or number of accesses ([0041]).

Regarding claim 34, Masuda discloses all the limitation in claim 21. Further, Ephraim et al. disclose a system wherein said second form comprises monetary value, number of clicks and number of accesses ([0041]).

Regarding claim 35, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 36, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 37, Masuda discloses a communications method comprising the steps of: accessing a plurality of services simultaneously (fig. 1, [0037] to [0039] and [0094]); storing information defining an amount of money for at least one user device ([0041], [0048] and [0095]); requesting a reservation of at least a portion of said amount of money as a reserved portion (fig. 1, [0055] to [0056], [0060] to [0062]). However, Masuda does not disclose sending to a controller for allocating said reserved portion between said plurality of services information defining an amount of said reserved portion in a first form other than a monetary amount; and converting information relating to said amount of said portion to a second form as a monetary amount, and then allocating said reserved portion between said plurality of services.

In the same field of endeavor, Ephraim et al. disclose sending to a controller for allocating said reserved portion between said plurality of services information defining an amount of said reserved portion in a first form other than a monetary amount ([0040] to [0041] and [0054] and [0057]); and converting information relating to said amount of said portion to a

second form as a monetary amount, and then allocating said reserved portion between said plurality of services ([0040] to [0041] and [0054] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of by specifically including sending to a controller for allocating said reserved portion between said plurality of services information defining an amount of said reserved portion in a first form other than a monetary amount; and converting information relating to said amount of said portion to a second form as a monetary amount, and then allocating said reserved portion between said plurality of services, as taught by Masuda, the motivation being in order to determine whether a particular requested data transfer should be authorized or continue. On the other hand, it also provides a method and a system for management of prepaid billing for communication systems, and in particular, of such a system and method for real time pre-paid billing for data transfer in the wireless and wireline communication environment.

Regarding claim 38, Masuda discloses a controller for use in a communications system comprising: at least one user device, said at least one user device being configured to access a plurality of services simultaneously (fig. 1, [0037] to [0039] and [0094]); and a first entity for storing information defining an amount of money for said at least one user device ([0041] and [0095]), said controller being configured to request a reservation of at least a portion of said amount of money as a reserved portion (fig. 1, [0055] to [0056], [0060] to [0062]). However, Masuda does not disclose to convert information defining an amount of said reserved portion in a first form other than a monetary amount received from said first entity to a second form as a

monetary amount, and to then control an allocation of said reserved portion between said plurality of services.

In the same field of endeavor, Ephraim et al. disclose to convert information defining an amount of said reserved portion in a first form other than a monetary amount received from said first entity to a second form as a monetary amount, and to then control an allocation of said reserved portion between said plurality of services ([0040] to [0041] and [0054] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of by specifically including wherein to convert information defining an amount of said reserved portion in a first form other than a monetary amount received from said first entity to a second form as a monetary amount, and to then control an allocation of said reserved portion between said plurality of services, as taught by Masuda, the motivation being in order to determine whether a particular requested data transfer should be authorized or continue. On the other hand, it also provides a method and a system for management of prepaid billing for communication systems, and in particular, of such a system and method for real time pre-paid billing for data transfer in the wireless and wireline communication environment.

Regarding claim 39, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 40, Masuda discloses a communications system comprising: accessing means for accessing a plurality of services simultaneously (fig. 1, [0037] to [0039] and [0094]); storing means for storing information defining an amount of money for at least one user device ([0041] and [0095]); requesting means for requesting a reservation of at least a portion of said amount of money as a reserved portion (fig. 1, [0055] to [0056], [0060] to [0062]); However,

Masuda does not disclose sending means for sending information defining an amount of said reserved portion in a first form other than a monetary amount; and control means for converting means for converting information relating to said amount of said portion to a second form as a monetary amount, and controlling an allocation of said reserved portion between said plurality of services.

In the same field of endeavor, Ephraim et al. disclose sending means for sending information defining an amount of said reserved portion in a first form other than a monetary amount ([0040] to [0041] and [0054] and [0057]); and control means for converting means for converting information relating to said amount of said portion to a second form as a monetary amount, and controlling an allocation of said reserved portion between said plurality of services ([0040] to [0041] and [0054] and [0057]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of by specifically including sending means for sending information defining an amount of said reserved portion in a first form other than a monetary amount; and control means for converting means for converting information relating to said amount of said portion to a second form as a monetary amount, and controlling an allocation of said reserved portion between said plurality of services, as taught by Masuda, the motivation being in order to determine whether a particular requested data transfer should be authorized or continue. On the other hand, it also provides a method and a system for management of prepaid billing for communication systems, and in particular, of such a system and method for real time pre-paid billing for data transfer in the wireless and wireline communication environment.

Regarding claim 41, this claim is rejected for the same reasons as set forth in claim 8.

Regarding claim 42, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 41. Further, Masuda discloses a system wherein said requesting means is configured to monitor how much of said reserved portion has been used by using information defining a cost of said plurality of services ([0050] to [0052]).

Regarding claim 43, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said storing means comprises one of: **a monetary value**; a data amount representative of said amount of money; a time representative of said amount of money; and an amount of a service access parameter ([0038]).

Regarding claim 44, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means comprises a plurality of entities (fig. 1, [0036]).

Regarding claim 45, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means comprises a credit controller (fig. 1, [0039]).

Regarding claim 46, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 40. Further, Masuda discloses a system wherein said requesting means is configured to store information relating to a cost of said plurality of services ([0090] and [0095]).

6. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Masuda (Pub. No: 2003/0078031) in view of Ephraim et al. (Pub. No: 20040077332) and further in view of Dannehr et al. (Pub. No: 2003/0037176)

Regarding claim 30, the combination of Masuda and Ephraim et al. disclose all the limitation in claim 21. But, the combination of Masuda and Ephraim do not disclose a system wherein said first entity operates in accordance with a CAMEL protocol.

In the same field of endeavor, Dannehr et al. disclose a system wherein said first entity operates in accordance with a CAMEL protocol ([0007] and [0008])

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of the combination of Masuda and Ephraim by specifically including first entity operates in accordance with a CAMEL protocol, as taught by Gonthier et al., the motivation being in order to provide the customer with operator-specific services.

Response to Argument

7. Applicant, on page 15 of his response, argues that Masuda neither disclosed nor suggested at least one user device, said at least one user device configured to access a plurality of services in a session; a first entity including an information store for storing information defining an amount of money for said at least one user device; and a controller, separate to said the first entity, configured to request that in the first entity, at least a portion of said amount of money be reserved at the first entity, as a reserved portion and for controlling an allocation of said reserved

portion between said plurality of services, wherein the allocation is controlled after the request is made.

However, the Examiner disagrees. Masuda discloses the user terminal device 10 includes a service request transmitting means 11 transmits a prepaid service request (request for connection or disconnection with respect to a prepaid service), a Prepaid service executing means 12 executes the prepaid service provided thereto and a Registration information transmitting (a controller) means 13 transmits registration information for executing the prepaid service (see Figure 1, [0036] to [0038]). On the other hand, a prepayment control device 20 (a first entity) include an user request receiving means 21 receives the service request and the registration information, a prepayment control means 22 performs prepayment control over all prepaid services; and a prepaid service providing means 23 provides the prepaid service in accordance with a share of the balance allotted thereto (see Figure 1, [0039] to [0041]). The prepaid service providing means 23 (a first entity) transmits to the gateway 32 information about the balance of the user who has requested the packet service to be charged (a first entity including an information store for storing information defining an amount of money for said at least one user device). The service request transmitting means 11 transmits connection requests for the voice and packet services (user device configured to access a plurality of services). The registration information transmitting means 13 (a Controller) transmits allotments of the balance as the registration information. For example, if the amount usable for prepaid services is .Yen.1000, the user transmits in advance registration information that .Yen.400 and .Yen.600 should be allotted to the voice and packet services, respectively (a controller 13, separate to said the first entity 20, configured to request that in the first entity, at least a portion of said amount

of money be reserved at the first entity, as a reserved portion and for controlling an allocation of said reserved portion between said plurality of services). The prepayment control means 22 acknowledges the registration information including the allotments of the balance. Then, in accordance with the allotments specified by the user, the prepaid service providing means 23 provides the prepaid services (see Figure 1 and Figure 5, [0059] to [0062]).

Applicant, on page 20 of his response, argues that the cited references fail to disclose or suggest all of the features of the above claims. Specifically, regarding claims 35, 36 and 39, Masuda is deficient at least for the reasons stated above and Ephraim fails to cure these deficiencies. Further, regarding claims 21-29 and 31-46 Ephraim fails to cure the admitted deficiencies of Masuda. However, the Examiner disagrees. First, Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Second, The Applicant please sees the above explanation.

Applicant, on page 21 of his response, argues that Ephraim merely describes the conversion of tokens into an actual total monetary amount, and not a portion thereof, as claimed in the present invention. Thus, Ephraim fails to cure the admitted deficiencies of Masuda. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 09-25-2006


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600